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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|-------------------------|------------------|
| 09/870,311 | 05/30/2001 | David Blight | 035451-0131 (3640.Palm) | 7636 |

26371 7590 05/08/2006

FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
SUITE 3800
MILWAUKEE, WI 53202-5308

EXAMINER

PHU, SANH D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2618

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/870,311 | Applicant(s) BLIGHT ET AL. | |
| | Examiner Sanh D. Phu | Art Unit 2618 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 2/28/06.

Accordingly, claims 1–26 are currently pending.

Claim Rejections – 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1–4, 6–7 and 9–26 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamaguchi et al (2002/0010617), previously-cited.

–Regarding to claim 1, see figures 1, 2A–2D, 3A, 3B and 6, and sections [0018]–[0039], Hamaguchi et al discloses a system comprising:

a portable electronic device (11)(see figure 1) including a RF transceiver (see [0024]); and

a database program (inherently included) running on the portable electronic device, the database program configured to store a history of wireless station information (e.g., registered retail store ID, retail store name, etc.,) and available resource information (e.g., business category, message information, icon location, and/or icon information, etc.) (see figures 3A, 3B and [0025]–[0026]);

the wireless station information being representative of wireless stations coming in communications with the RF transceiver as the portable electronic device is being moved through an environment (see [0034]–[0038], and

the available resource information being correlated with the wireless station information (see figures 3A and 3B, and [0038]–[0039]) and the available resource information being distinct from and representative of wireless resources available through the wireless stations (105,...,121, 123)(see figure 6, and [0033]), wherein the wireless resources are point counts and associated services of providing the point counts (see [0020, 0023, 0032, 0046–0050]. (Note that term “resource” can be understood here as an accessible supply that can be withdrawn from when necessary).

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-Regarding to claim 2, Hamaguchi et al discloses that the portable electronic device is a handheld computer (see [0024]).

-Regarding to claims 3 and 4, Hamaguchi et al discloses that RF transceiver is a transceiver (see [0024]).

-Regarding to claims 6 and 7, Hamaguchi et al discloses that the wireless station information includes the address of the wireless station (see [0026]).

-Regarding to claims 9 and 10, Hamaguchi et al discloses that the resource information includes a resource identifier/description (e.g., business category (see [0026])).

- Regarding to claim 11, Hamaguchi et al discloses that the resource information includes keywords (e.g., retail store name) relating to the resource (see [0026]).

- Regarding to claim 12, Hamaguchi et al discloses that the resource information includes attributes (icon information, icon location) for an object oriented data description (see [0026]).

-Regarding to claim 13, Hamaguchi et al discloses that the resource information includes a listing of associated wireless stations (105...121, 123) (see figure 6).

-Regarding to claim 14, see figures 1, 2A-2D, 3A, 3B and 6, and sections [0018]-[0039], Hamaguchi et al discloses a method comprising:

step (see [0034]) of roaming within an environment with a portable electronic device (11) (see figure 1) having a Rf transceiver;

step of scanning for wireless enabled device(s) within range of the RF transceiver of the portable device by receiving possible signal(s) from said wireless enabled device(s)(see [0034]).

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step of storing wireless station information relating to the wireless enabled device(s) in a database (see figure 3B);

step of storing, in the data base, available resource information (e.g., business category, message information, icon location, icon information, etc.) (see figure 3B) distinct from and relating to the resources, wherein the wireless resources are products and/or services for sale (see [0020]), point counts and associated services of providing the point counts (see [0020, 0023, 0032, 0046-0050]), which are coupled to and available through a wireless station (comprising a “store”, and devices (9, 5, 1, 3) (see figure 1, and [0018]), and

step of accessing, on the portable electronic device, the data base including the wireless station information and the available resource information (see [0038, 0039].

-Regarding to claim 15, Hamaguchi et al discloses step of querying the database for a specified resource (see [0034]-[0045]).

-Regarding to claim 16, Hamaguchi et al discloses step of performing a keyword search (retail store ID) of the database (see [0034]).

-Regarding to claim 17, Hamaguchi et al discloses step of providing location information (icon location, icon information) relating to accessing the specified resource {see figure 3B).

-Regarding to claim 18, Hamaguchi et al discloses that location information includes a set of directions (icon location, icon information) (see figure 3B).

-Regarding to claim 19, Hamaguchi et al discloses that location information includes a map (see figure 6).

-Regarding to claim 20, Regarding to claim 14, see figures 1, 2A-2D, 3A, 3B and 6, and sections [0018]-[0039], Hamaguchi et al discloses a method comprising:

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step (see [0034]) of moving through an environment with a portable electronic device (11) (see figure 1) having a RF transceiver;

step (see [0035]) of receiving information (e.g., business category, message information, icon location, icon information, etc.) distinct from and relating to wirelessly accessible resources, wherein the wireless resources are point counts and associated services of providing the point counts (see [0020, 0023, 0032, 0046-0050], which are coupled to and available through a wireless station (comprising a “store”, and devices (9, 5, 1, 3) (see figure 1, and [0018]);

step (see [0035]) of storing the information in a database on the device;
and

step (see [0034]-[0035]) of accessing the database information according to a specific query.

-Regarding to claims 21-26, Hamaguchi et al discloses that the environment is a geographical area (see figure 6).

Claim Rejections – 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamaguchi et al.

–Regarding to claim 5, Hamaguchi et al does not disclose whether the wireless station information includes the type of wireless transceiver being used by the wireless station. However, since the wireless station information may include necessary information concerning about the wireless station, to make the wireless station information more informative (see [0026]) It would have been obvious for a person skilled in the art, when building or carrying out Hamaguchi et al, upon his design preference and within his skills, to add information about the type of wireless transceiver being used by the wireless station, e.g., the operating frequency of the wireless transceiver, to the wireless station information, without affecting the overall system performance.

–Regarding to claim 8, Hamaguchi et al does not disclose that the wireless station information includes a timestamp representative of a time that the portable device was in range of the wireless station. However, recording times of events for a provide of information is well known in art. For instance, Hamaguchi et al teaches recording/storing in a data base (DB 97) times of

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events (date of purchase) (see section [0023]). Hamaguchi et al also teaches that entry data can be easily added in a database for making the database more informative (see [0025]. It would have been obvious for a person skilled in the art, when carrying out Hamaguchi et al, to record or add information in the registered retail store dB of the portable device about the a time “timestamp” indicating when the portable device was in range of the wireless station for a certain communication (registration, transaction, etc.), or other necessary information related to the certain communication, to the wireless station information in order to make the wireless station information record stored in the registered retail store dB more informative, as taught by Hamaguchi et al.

Response to Arguments

6. Applicant's arguments filed on 2/28/06, with respect to claims 1–26 have been fully considered. However, the claims, after being amended, are deemed not patentable over Hamaguchi et al. The explanation is as follows:

The applicant mainly argues that (i) Hamaguchi et al does not teaches the limitation “the available resource information being distinct from and representative of the resources available through the wireless stations”, as

recited in independent claim 1; (ii) Hamaguchi et al does not teaches the limitation “storing available resource information distinct from and relating to the resources coupled to and available through the wireless station in the database”, as recited in independent claim 14; and (iii) Hamaguchi et al does not teaches the limitation “receiving information distinct from and relating to wireless accessible resources coupled to a wireless station”, as recited in independent claim 20.

Regarding to part (i), the examiner respectfully disagrees. As explained above in this Office Action for claim 1, Hamaguchi et al teaches that available resource information (e.g., business category, message information, icon location, and/or icon information, etc.) (see figures 3A, 3B and [0025]–[0026]) is configurable to be stored in the portable electronic device (11) (see figure 1), the available resource information being distinct from and representative of wireless resources available through the wireless stations (105,...,121, 123)(see figure 6, and [0033]), wherein the wireless resources are point counts and associated services of providing the point counts (see [0020, 0023, 0032, 0046–0050]. Therefore in a comparison, Hamaguchi et al teaches the available

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resource information (e.g., business category, message information, icon location, and/or icon information, etc.) being distinct from and representative of the resources (e.g., point counts and associated services of providing the point counts) available through the wireless stations (105,...,121, 123), as claimed in the recited limitation.

Regarding to part (ii), the examiner also disagrees. Hamaguchi et al teaches step of storing, in a data base, available resource information (e.g., business category, message information, icon location, icon information, etc.) (see figure 3B) distinct from and relating to the resources, wherein the wireless resources are products and/or services for sale (see [0020]), point counts and associated services of providing the point counts (see [0020, 0023, 0032, 0046–0050]), which are coupled to and available through a wireless station (comprising a “store”, and devices (9, 5, 1, 3) (see figure 1, and [0018]), as claimed in the recited limitation.

Regarding to part (iii), the examiner also disagrees. Hamaguchi et al teaches step (see [0035]) of receiving information (e.g., business category, message information, icon location, icon information, etc.) distinct from and

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relating to wirelessly accessible resources, wherein the wireless resources are point counts and associated services of providing the point counts (see [0020, 0023, 0032, 0046–0050], which are coupled to and available through a wireless station (comprising a “store”, and devices (9, 5, 1, 3) (see figure 1, and [0018]), as claimed in the recited limitation.

Based on the above rationale, it is believed that the limitations of claims are still met and therefore, the rejections are still maintained.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on M-Th from 7:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sanh D. Phu
Examiner
Division 2618

SP



Matthew Anderson
SPE 2618